



Deadlines

When Does The Program End?

PUB-RR-715

April, 2004

8/30/2008 is the Deadline for Participation in the Dry Cleaner Environmental Response Fund (DERF) Program!

The deadline date for participation in the DERF program was changed in the spring '04 legislative session, at the request of the Wisconsin Fabricare Institute (WFI) and the Department of Natural Resources (DNR). If you are an eligible applicant interested in participating in the DERF program, **you must submit to the DNR the Potential Claim Notification Form (form #4400-210) by August 30, 2008!** The DNR is required to **deny** participation in the program to eligible applicants who submit this form to the DNR **after** August 30, 2008 (i.e. postmarked by 8/30/2008)!

Why the change?

The original law specified two deadlines for submittal of *reimbursement applications*, depending on whether a facility was closed or operating after January 1, 1998. Therefore, cleanup costs needed to be incurred by those dates. For many sites, the completion of a cleanup can take several years. WFI and DNR were concerned that having deadline dates for the *completion* of cleanups could result in higher cost, but shorter term remedies being selected rather than selecting the most cost-effective remedy for the site. The WFI and the DNR realize that selected cleanup technologies should be based on compliance with the cleanup rules that require consideration of technical and economic feasibility based on site-specific conditions. In addition, the original law could have also created a situation where otherwise eligible costs were incurred but not reimbursed because they were incurred after the deadline date. The change in law sets the deadline for entering the program, not for completing your cleanup. That timeline will be based on site specific conditions and technologies.

What is the Potential Claim Notification Form?

The Potential Claim Notification Form (#4400-210) provides the DNR with sufficient information to confirm that the DNR was notified per ch. NR 706, Wis. Admin. Code, that a release has occurred at a particular facility (immediate notification is required), and to assess the eligibility of the applicant pursuing reimbursement. The DNR reviews this information and sends the applicant an initial eligibility determination letter, based on the information provided on the Potential Claim Notification Form. This form, contact information, and other publications by the Remediation and Redevelopment program can be found on our website at <http://dnr.wi.gov/org/aw/rr/financial/dryclean>.



Wisconsin Department of Natural Resources
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Once the notification form is acknowledged by the DNR and eligibility is confirmed, the eligible applicant is able to continue with the cleanup process, and solicit bids for conducting a site investigation under ch. NR 716, Wis. Admin. Code.

How do I Confirm a Release has Occurred?

In order to determine whether a release has occurred at a particular facility, you need to submit some type of sampling data confirming the release to the environment. Section NR 169.05(27), Wis. Admin. Code, defines "Site Inspection Scoping" which is an eligible activity for reimbursement from the DERF program if a release is discovered. Be sure to immediately notify the department of your release (your consultant can assist you in this) - this requirement is in addition to the DERF notification, as previously discussed.

If a neighbor discovers contamination from your site before you are aware of a release, a portion of their discovery costs may be included with yours when you submit your site investigation reimbursement application.

Site Investigation Scoping means a report prepared to identify releases from a dry cleaning facility or to ensure that the scope and the detail of a subsequent field investigation is appropriate to the complexity of the facility and which evaluates all the following items:

- ★ history of the facility, including location of dry cleaning equipment, chemical and filter storage locations
- ★ knowledge of the type and amount of contamination
- ★ environmental media affected or potentially affected by the contamination
- ★ location of the facility and its proximity to other sources of contamination
- ★ assessment of potential or known impacts or receptors
- ★ assessment of potential or known impacts to sensitive areas including wetlands, outstanding resource waters and exceptional resource waters, and sites or facilities of historical or archaeological significance.
- ★ a map showing the site boundaries, location of source areas, utility corridors (including sewer lines), adjacent streets, receptor locations, sample locations and result of sampling.

The purpose of the SI scoping is to document a release from a dry cleaning facility and provide sufficient data to develop an adequate workplan for a ch. NR 716 site investigation, if warranted. A limited number of samples per source area per media (soil/water) will be approved as site conditions warrant to meet the above objectives.

Hiring a consultant to conduct site investigation scoping activities does not need to be competitively bid. As long as the consultant's activities are within the Site Investigation Scoping definition (see box) and are determined by the DNR to be reasonable, an eligible applicant may hire any consultant they choose to conduct these activities. Ask around - get recommendations from other drycleaners. But most importantly, do this in time to submit your potential claim notification form to DNR before August 30, 2008!

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240

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